

## REMARKS

Claims 1, 5, 8, 11, 12, 24, and 28 have been amended.

No Claims have been cancelled by this Amendment.

Claims 1-6 and 8-36 are currently pending in this application.

Claims 1, 11, 12, 14, 18, 24, 25, and 29 are in independent format.

New Claim 36 and 37 have been added.

### 1. Allowable Claims

The Examiner's allowance of Claims 14-27 and 29-35 is respectfully acknowledged.

The Examiner has stated that Claims 2-4, 11, 13, and 28 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 2-4 depend from independent Claim 1, which has been amended, and is now believed to be allowable. Accordingly, Claims 2-4 are now believed allowable for the same reasons as independent Claim 1.

Claim 11 has been amended to incorporate all of the limitations of parent independent Claim 1, from which it depended. Accordingly, Claim 11 is now believed allowable.

Claim 12 has been amended to overcome the identified informalities, and accordingly is now believed allowable. Claim 13, which depends from Claim 12, is now believed allowable for the same reasons as independent Claim 12.

Claim 28 has been amended to depend directly from allowable dependant Claim 31, and indirectly from allowable independent Claim 29. Accordingly, Claim 28, as amended is believed allowable for the same reasons as Claims 29 and 31.

## **2. Drawings**

The objection to the drawings under 37 CFR 1.83(a) is believed overcome by amendments to the drawings filed in the accompanying Drawing Amendment. Reference numeral 103 has been added to Figures 1 and 2; Reference numerals 2a , 2b, 11, and 107 have been added to Figure 4.

The objections to the drawings under 37 CFR 1.84(p)(4) is believed overcome by amendments to the drawings filed in the accompanying Drawing Amendment, combined with amendments to the Specification set forth below. Figure 1 has been amended to replace reference numeral 9 with reference numeral 90 corresponding to the Specification. Figure 8 has been amended to replace reference numeral 110 with reference numeral 111 corresponding to the Specification. Figure 8 has been further amended to replace one occurrence of reference numeral 114 with reference numeral 117 corresponding to the Specification.

Additional minor corrections to the drawings not specifically requested by the Examiner are set out in the accompanying Drawing Amendment. No new matter is believed added by any of the Drawing Amendments.

## **3. Specification**

The Examiner's objections to the disclosure due to informalities is respectfully acknowledged. Applicant has amended the Specification as set forth above to correct the references to Figures 4, 5, and 6, as requested by the Examiner.

Additional amendments to the Specification set forth above are intended to correct reference numeral discrepancies noted by Applicant and grammatical errors. No new matter is believed added by any of the amendments to the Specification.

**4. Claim Objections**

The Examiner's objections to Claims 1, 12, 24, and 28 are respectfully acknowledged. Claims 1, 12, 24, and 28 have each been amended as suggested by the Examiner to overcome the specifically identified objections, and are accordingly believed to be in proper form.

Claim 24 has further been amended to re-order the sequence of the claimed steps, to better correspond with the disclosure in the Specification at Pages 13 and 14, as well as Figure 8. Accordingly, amended Claim 24 is believed to remain allowable over the cited prior art for the same reasons as previously identified.

**5. Rejections of Claim 8 Under 35 U.S.C. § 112**

The Examiner's rejection of Claim 8 under 35 U.S.C. § 112 for failing to provide sufficient antecedent basis for the limitation of "said memory subsystem" is believed overcome by the amendments to dependent Claim 8 set forth herein. Applicant has amended dependent Claim 8 to depend indirectly from Claim 29, and has replaced the phrase "said memory subsystem" with the phrase "said memory module", providing antecedent basis to a limitation which is clearly identified in the parent claim 29.

**6. Rejections Under 35 U.S.C. § 103(a)**

**a. Claims 1 and 10**

The rejection of Claims 1 and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,110,126 to *Zoth et al.* in view of U.S. Patent No. 5,601,901 to *Dolphin* is respectfully traversed.

Independent Claim 1 has been amended to include the limitation of the memory module configured to store a plurality of test subject records, as set forth at Page 7, lines 22-28 in the Specification. Claim 1, as amended, is now believed allowable over the combination of cited prior art references to *Zoth et al.* in view of *Dolphin* for the same reasons as independent Claim 18, as previously stated by the Examiner at Page 9 of the Office Action of October 28, 2003.

Claim 10 depends directly from independent Claim 1, and accordingly, is believed allowable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,110,126 to *Zoth et al.* in view of U.S. Patent No. 5,601,901 to *Dolphin* for the same reasons as independent Claim 1.

**b. Claim 5**

The rejection of Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,110,126 to *Zoth et al.* and U.S. Patent No. 5,601,901 to *Dolphin* as applied to Claim 1 above, and further in view of U.S. Patent No. 5,868,682 to *Combs, et al.* is respectfully traversed.

Claim 5 depends directly from independent Claim 1 and accordingly, is believed allowable over U.S. Patent No. 6,110,126 to *Zoth et al.* and U.S. Patent No. 5,601,901

to *Dolphin* as applied to Claim 1 above, and further in view of U.S. Patent No. 5,868,682 to *Combs, et al.* for the same reasons as independent Claim 1.

**c. Claim 6**

The rejection of Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,110,126 to *Zoth et al.* and U.S. Patent No. 5,601,901 to *Dolphin* as applied to Claim 1 above, and further in view of U.S. Patent No. 5,197,332 to *Shennib* is respectfully traversed.

Claim 6 depends directly from independent Claim 1, and accordingly, is believed allowable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,110,126 to *Zoth et al.* and U.S. Patent No. 5,601,901 to *Dolphin*, and further in view of U.S. Patent No. 5,197,332 to *Shennib* for the same reasons as independent Claim 1.

**d. Claims 8 and 9**

The rejection of Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,110,126 to *Zoth et al.* and U.S. Patent No. 5,601,901 to *Dolphin* as applied to Claim 1 above, and further in view of U.S. Patent No. 5,267,571 to *Zurek et al.* is respectfully traversed.

Dependent Claim 8 depends directly from independent Claim 1. As amended, Claim 8 is believed allowable over U.S. Patent No. 6,110,126 to *Zoth et al.* and U.S. Patent No. 5,601,901 to *Dolphin*, and further in view of U.S. Patent No. 5,267,571 to *Zurek et al.* for the same reasons as allowable independent Claim 1.

Dependent Claim 9 depends directly from Claim 8, and accordingly, is now believed allowable for the same reasons as dependent Claim 8.

## **7. New Claims**

New dependent Claim 36 has been added, depending directly from allowable independent Claim 29. New Claim 36 requires the additional limitation of a display device mounted to the enclosure. The display device is operatively connected to the signal processor to display the results of said one or more selected auditory test procedures, as set forth at Page 6, lines 12-28 and Page 15, lines 9-12. New Claim 36 is believed allowable over the cited references for the same reasons as independent parent Claim 29.

New dependent Claim 37 has been added, depending directly from independent Claim 1, now believed allowable. New Claim 37 adds the additional limitation of an otoacoustic auditory emission interface to the auditory testing device of Claim 1, as set forth at Page 8, lines 25-26 of the Specification. New Claim 37 is believed allowable over the cited references for the same reasons as independent parent Claim 1.

## **8. Conclusion**

Based on the foregoing, the allowance of Claims 1-6 and 8-36 is requested.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

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